United Nations CEDAW/C/TKM/CO/5

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the fifth periodic report of Turkmenistan*

1. The Committee considered the fifth periodic report of Turkmenistan (CEDAW/C/TKM/5) at its 1612nd and 1613rd meetings (see CEDAW/C/SR.1612 and CEDAW/C/SR.1613), held on 10 July 2018. The Committee's list of issues and questions is contained in CEDAW/C/TKM/Q/5, and the responses of Turkmenistan are contained in CEDAW/C/TKM/Q/5/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its fifth periodic report. It also appreciates the information provided in 2015 by the State party in follow-up to the previous concluding observations of the Committee (CEDAW/C/TKM/CO/3-4/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by the Deputy Minister of Education, Merdan Govshudov, and included representatives of the Ministry of Labour and Social Protection, the Mejlis (parliament), the National Institute for Democracy and Human Rights, the Women's Union of Turkmenistan and the Permanent Mission of Turkmenistan to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2012 of the State party's combined third and fourth periodic reports (CEDAW/C/TKM/3-4) in undertaking legislative reforms, in particular the adoption of the following:

(a) Employment Act, providing for equal rights and opportunities for women and men in employment, legal protection against discrimination in the workplace and unemployment benefits, in 2016;

* Adopted by the Committee at its seventieth session (2–20 July 2018).

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(b) Civil Service Act, guaranteeing equal rights of women and men to enter into public service, in 2016;

(c) State Guarantees for Ensuring Equal Rights and Equal Opportunities for Men and Women Act, guaranteeing gender equality and prohibiting discrimination on the basis of sex, in 2015;

(d) Health Care of Citizens Act, guaranteeing equal rights of women and men to health care, in 2015;

(e) Revised Education Act of 2013, guaranteeing equal access for girls and boys to free and compulsory education, as amended in 2014;

(f) Revised Military Duty and Military Service Act, allowing women to participate in military training, in 2014.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework, aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) National presidential programme on improving social and living conditions in villages, towns, cities, districts and district centres, 2017–2020, and the national programme for socioeconomic development, 2011–2030, aimed at promoting the economic and rural development of women and men through public investments in infrastructure, housing and employment opportunities;

(b) National action plan on human rights, 2016–2020, aimed at implementing the recommendations of the various treaty bodies, including with respect to the elimination of discrimination against women;

(c) National action plan on gender equality, 2015–2020.

Sustainable Development Goals

6. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of their country and to adopt relevant policies and strategies to that effect.

C. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Mejlis, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report.**

D. Principal areas of concern and recommendations

Constitutional and legislative framework

8. The Committee notes that the new Constitution adopted in 2016 guarantees equal rights and opportunities for women and men and that the State Guarantees for

Ensuring Equal Rights and Equal Opportunities for Men and Women Act of 2015 prohibits discrimination on the basis of sex. The Committee is concerned, however, that the definition of discrimination against women in the legislation is not in line with article 1 of the Convention. It is also concerned that the various legislative provisions prohibiting discrimination against women are gender-neutral, which may not adequately protect women against direct and indirect discrimination, and that the Convention is not directly applied or invoked in court proceedings, despite related capacity-building activities having been conducted for judges and lawyers.

9. **Recalling its general recommendation No. 28 (2010) on the core obligations of State parties under article 2 of the Convention, the Committee recommends that the State party:**

(a) **Amend its definition of discrimination against women to prohibit direct and indirect discrimination in the private and public spheres and remove any discriminatory provisions, including restrictions on access for women to employment and military service;**

(b) **Apply a gender-sensitive, rather than a gender-neutral, approach in the implementation of its legislation, policies and programmes to ensure that they sufficiently address pre-existing gender inequalities and disparities;**

(c) **Strengthen capacity-building for members of the judiciary and legal professionals on how to invoke or directly apply the Convention, or interpret national legislation in the light thereof, in court proceedings.**

Access to justice

10. The Committee is concerned about the lack of information on specific mechanisms in place to facilitate access for women to justice, in particular for rural women, and about the limited access for women to legal aid and information regarding available remedies. It notes with concern that women whose husbands and/or family members were subjected to enforced disappearances in 2002 are still waiting for information on their whereabouts.

11. **In the light of its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Ensure that all women and girls have access to an effective, confidential and gender-sensitive complaint mechanism in cases relating to all forms of gender-based discrimination and violence and that they have the possibility to bring complaints about multiple and intersecting forms of discrimination;**

(b) **Establish a system of legal aid that is accessible, sustainable and responsive to the needs of women and that provides free legal aid for women with insufficient financial means;**

(c) **Strengthen the independence and effectiveness of the judiciary to investigate, prosecute and punish criminal acts against women, ensure that the courts adequately address intersecting forms of discrimination and establish a system of mobile courts aimed at facilitating access to justice for rural women;**

(d) **Develop targeted outreach activities, in cooperation with civil society organizations, to enhance awareness among women of their rights and available legal remedies;**

(e) **Ensure prompt, thorough, independent and impartial criminal investigations into alleged enforced disappearances and provide affected women**

with adequate and effective reparations for violations of their rights under the Convention, including restitution, compensation and rehabilitation.

National machinery for the advancement of women

12. The Committee commends the State party on its adoption of a national action plan on human rights and a national action plan on gender equality, as well as various policies and programmes to implement the 2030 Agenda, including measures for achieving Goal 5 on gender equality. It regrets, however, that the State party has not yet established a consolidated centralized national machinery for the advancement of women. It also notes that the implementation of the national action plan on gender equality is monitored by the Interdepartmental Commission on Compliance with the International Obligations Undertaken by Turkmenistan in the Field of Human Rights and International Humanitarian Law and is concerned about the limited information provided by the State party on the authority, capacity and financial resources of the Interdepartmental Commission to monitor the implementation of the Convention and coordinate related activities.

13. **The Committee recommends that the State party:**

(a) **Establish a centralized national machinery for the advancement of women, with a clearly defined mandate and responsibilities, and provide it with sufficient human, technical and financial resources to coordinate and effectively promote gender equality and gender mainstreaming policies across all government agencies;**

(b) **Allocate adequate human, technical and financial resources to the implementation of the national action plan on gender equality;**

(c) **Conduct impact assessments to monitor and evaluate the action plan, with the active participation and meaningful engagement of civil society.**

National human rights institution

14. The Committee welcomes the adoption of the Ombudsman Act in 2016 and the appointment of the first Ombudsperson of the State party. It is concerned, however, about the limited authority of the Ombudsperson to address and investigate complaints received from women.

15. **The Committee recommends that the State party:**

(a) **Ensure that the Ombudsperson has a specific mandate to promote and protect women's rights and gender equality and the capacity and authority to effectively address complaints from women and girls in a confidential, gender-sensitive manner;**

(b) **Ensure the full independence of the Ombudsperson, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and provide the Office of the Ombudsperson with sufficient human, technical and financial resources to carry out its mandate;**

(c) **Encourage the Office to apply for accreditation by the Global Alliance of National Human Rights Institutions.**

Temporary special measures

16. The Committee notes that the national action plan on gender equality defines measures for promoting women's participation in all spheres of political, public and professional life, in particular in decision-making positions. It is concerned, however,

about the insufficient application of temporary special measures as a strategy necessary to accelerating the achievement of substantive equality between women and men in all areas where women are underrepresented or disadvantaged, the lack of awareness-raising on the need for temporary special measures and the absence of reviews by relevant ministries and government departments on the use and impact of temporary special measures.

17. **In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recalls its previous recommendations (CEDAW/C/TKM/CO/3-4, para. 19) and recommends that the State party:**

(a) **Adopt and implement temporary special measures, such as minimum quotas for the representation of women in elected and appointed bodies, outreach and support programmes and targeted recruitment, hiring and promotion, as part of a strategy necessary to accelerating the achievement of substantive equality between women and men in all areas covered by the Convention, in particular in political and public life, education and employment;**

(b) **Raise awareness among all relevant officials of the importance and non-discriminatory nature of temporary special measures;**

(c) **Establish a mechanism to effectively monitor the implementation and effectiveness of such measures and adopt adequate sanctions for non-compliance.**

Stereotypes and harmful practices

18. The Committee notes that the elimination of discriminatory gender stereotypes is a key component of the national action plan on gender equality and that the State party has undertaken awareness-raising programmes and provided training for judges and lawyers in that regard. Nevertheless, the Committee is concerned about the lack of measures taken to monitor and assess the impact of such activities, as well as about the persistence of discriminatory stereotypes regarding the roles and responsibilities of women and men in society and in the family.

19. **The Committee recommends that the State party:**

(a) **Expand public education programmes to strengthen understanding of the substantive equality of women and men and the negative impact of discriminatory gender stereotypes on enjoyment by women of their rights, in particular with regard to rural women. Such programmes should target men and boys, as well as political and community leaders, the media, employers, trade unions, health professionals and public officials in all sectors;**

(b) **Revise school textbooks to remove discriminatory gender stereotypes, integrate mandatory modules on gender education into school curricula and provide gender training to teachers;**

(c) **Develop a monitoring mechanism to regularly assess the impact of measures taken and to design remedial action.**

20. The Committee takes note of the consistent position of the State party that there are no laws or policies imposing a dress code on women or restricting their right to travel. Nevertheless, it is concerned about a number of reportedly prevalent harmful practices based on discriminatory social attitudes, in particular the following:

(a) The prevalence of child and/or forced marriage, despite the prohibition of marriage under the age of 18 years, and the continued practice of dowry payments;

(b) Restrictions on dress, hair, nails and behaviour for women in certain professions, in particular those working in the public and education sectors;

(c) Women and girls undergoing forced gynaecological examinations by police and special service officers to determine their virginity, the conduct of which perpetuates stereotypes of men's entitlement or power over women, and the public humiliation of the families of women and girls who do not pass so-called "virginity tests";

(d) Travel restrictions on women, which prohibit female students from using taxis and from travelling outside the country to study or work;

(e) Harassment of women drivers by police officers and women being denied renewal of their driver's licences upon expiry.

21. **With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party:**

(a) **Prevent and eliminate the practice of child and/or forced marriage and related harmful practices, including the practice of dowry payments, by raising awareness about their negative impact on women's and girls' rights, carrying out prompt and effective investigations of all reported cases, prosecuting and punishing those responsible and providing victims with appropriate remedies and rehabilitation services;**

(b) **Ensure women's free choice of attire and of whether or not to use cosmetics, including by taking effective measures to protect them from violence, intimidation or coercion by employers and police officers;**

(c) **Abolish so-called "virginity testing" and the public shaming of the families of those concerned;**

(d) **Ensure women's right to travel both within and outside the State party, and their protection from harassment and intimidation when travelling;**

(e) **Ensure the right to drive for women and men on an equal basis, including by punishing those who harass women drivers or deny them the renewal of their driver's licences.**

Gender-based violence against women

22. The Committee notes that some forms of gender-based violence are criminalized under the Criminal Code. It is concerned, however, about the following:

(a) The limited information on the scope of the survey on the prevalence of gender-based violence against women, the results of which will be necessary to inform legislative and policy measures;

(b) The lack of progress achieved in adopting comprehensive legislation to criminalize all forms of gender-based violence, including domestic and sexual violence;

(c) The lack of a comprehensive strategy to combat all forms of gender-based violence and the exclusion of women from participation in related processes;

(d) The lack of understanding, in particular among policymakers and religious and local leaders, of the criminal nature and the various forms of gender-based violence against women and their negative impact on women and society;

(e) The systemic impunity for perpetrators, as reflected by the low number of prosecutions, the low number of convictions and the lenient sentences imposed on them and by the State party's failure to provide reparation to victims;

(f) The inadequate support services available to victims of gender-based violence against women;

(g) The lack of statistical data on cases of gender-based violence against women and the fact that the existing data only encompass cases of domestic violence associated with alcohol or drug abuse.

23. **The Committee draws the attention of the State party to its immediate obligation to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women, including gender-based violence. With reference to its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

(a) **Conclude, without delay, a survey on the prevalence of gender-based violence against women and ensure that it covers rural women, women with disabilities, older women, women belonging to minority groups and women in polygamous or de facto unions;**

(b) **Expedite, as a matter of priority, the adoption of a comprehensive law specifically defining and criminalizing all forms of gender-based violence against women, in particular domestic violence, marital rape and sexual assault within and outside marriage;**

(c) **Develop a comprehensive strategy to eliminate all forms of gender-based violence against women, on the basis of the results of the above-mentioned survey and with the participation of women, including a victim-centred approach that acknowledges women as rights holders, promotes their agency and autonomy and takes into account the particular situation of women affected by intersecting forms of discrimination;**

(d) **Conduct educational and awareness-raising campaigns targeting policymakers, religious and local leaders and men and boys and provide mandatory, recurrent and effective capacity-building, education and training for members of the judiciary, lawyers and law enforcement officers, to promote the understanding that the various forms of gender-based violence against women are unacceptable and harmful and that women are not responsible for the violence they suffer;**

(e) **Duly and systematically investigate all reports of gender-based violence against women, including cases of domestic violence not associated with alcohol or drug abuse, prosecute and adequately punish perpetrators and ensure that victims have access to effective reparations, including compensation;**

(f) **Strengthen support services for women and girls who are victims of gender-based violence and trafficking, by establishing helplines and well-resourced shelters that provide free medical care, psychosocial counselling and rehabilitation and reintegration programmes and by disseminating information on the services available to victims;**

(g) **Establish a system to regularly collect, analyse and publish statistical data on incidents of all forms of gender-based violence against women, disaggregated by sex, age, ethnicity, geographical location and the relationship between the victim and the perpetrator, as well as on the number of complaints received, investigations carried out, prosecutions conducted and convictions won and on the sentences imposed on perpetrators.**

Trafficking and exploitation of prostitution

24. The Committee welcomes the adoption of legislation and a national action plan on combating trafficking in persons for the period 2016–2018 and of standard operating procedures for victim identification and referral. It is concerned, however, about the following:

(a) The lack of statistical data on the prevalence of trafficking and exploitation of prostitution and the lack of recognition thereof by the State party;

(b) The limited measures to implement the various legislative and policy measures on trafficking and exploitation of prostitution;

(c) The lack of protection and services available to victims of trafficking and exploitation of prostitution;

(d) The practice of imposing on citizens unpaid activities during the cotton harvest season.

25. **The Committee recommends that the State party:**

(a) **Undertake a study on the extent and causes of trafficking and exploitation of prostitution in the State party, with a view to addressing their root causes and eliminating the vulnerability of women and girls;**

(b) **Conduct mandatory capacity-building for judges, lawyers, labour inspectors, border police and other law enforcement officials on the gender-sensitive application of relevant legislation and on the investigation of cases of trafficking and related offences against women and girls;**

(c) **Investigate and prosecute cases of trafficking in persons, especially women and girls, and ensure that the sentences imposed on perpetrators are commensurate with the gravity of the crime;**

(d) **Allocate adequate resources for the effective and sustainable implementation of the existing protection system for victims of trafficking, ensure that they have adequate access to health care and counselling and strengthen such services by providing enhanced human, technical and financial resources to social-work centres;**

(e) **Repeal the practice of unpaid work during the cotton harvest season;**

(f) **Pursue international, regional and bilateral cooperation efforts with countries of origin, transit and destination, including through the exchange of information and the harmonization of procedures, to prevent trafficking and bring perpetrators to justice.**

Participation in political and public life

26. The Committee regrets the extremely low levels of the participation of women in political and public life in the State party, in particular in decision-making positions, including within the parliament, academia, the public sector, the diplomatic service and provincial, district and municipal councils. It is also concerned about reports that women are prohibited from taking higher-level positions and running in presidential elections.

27. **In accordance with article 4 (1) of the Convention and its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:**

(a) **Adopt measures, including temporary special measures such as quotas for political appointments and accelerating the recruitment of women, to achieve**

the substantive equality of women and men in all areas of political and public life, especially in decision-making positions and in the local government administration;

(b) **Address all structural, social and cultural barriers to women entering political life or holding public office, including by providing incentives to political parties to include an equal number of women and men at equal ranks on their electoral lists and by providing training to women on political campaigning, leadership and negotiation skills;**

(c) **Conduct awareness-raising campaigns for politicians, journalists, teachers and the general public to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of women's human rights.**

Civil society and non-governmental organizations

28. The Committee welcomes the adoption of various laws, including the Public Associations Act of 2014, guaranteeing the right of individuals to form organizations without the prior consent of government authorities. It is concerned, however, about the following:

(a) Reports on cumbersome legal and administrative requirements for the registration and operation of civil society organizations, including women's organizations, in the State party, as well as restrictions on their activities;

(b) The absence of independent women's human rights organizations, as reflected by the lack of alternative reports received by the Committee from national civil society organizations on the implementation of the Convention in the State party;

(c) The limited cooperation of the State party with civil society organizations.

29. **The Committee draws attention to the important role of independent civil society organizations in promoting, monitoring and advancing women's rights in the State party and recommends that the State party:**

(a) **Simplify registration requirements for civil society organizations and ensure that there are no disproportionate restrictions on their activities;**

(b) **Provide financial and other forms of support and encouragement for the establishment and operation of independent women's human rights organizations, in particular those assisting women and girls who are victims of gender-based discrimination and violence;**

(c) **Seek and strengthen cooperation with civil society organizations in the implementation of all areas covered by the Convention, including in the development of related policies and programmes and in the preparation of the State party's sixth periodic report.**

Women human rights defenders

30. The Committee is deeply concerned about restrictions imposed on women human rights defenders and about reports that women human rights defenders and their families have been subjected to harassment, intimidation, violence, unlawful detention and travel bans as reprisal for their work in promoting and advancing women's rights.

31. **The Committee recommends that the State party ensure full respect for the rights of women human rights defenders to freedom of expression, assembly and association and refrain from any act of reprisal against them and their families.**

It also recommends that the State party ensure that women human rights defenders have adequate access to justice and receive protection from harassment, intimidation, retaliation and violence.

Education

32. The Committee commends the efforts to increase the completion rate among girls at the secondary level of education, eliminate stereotypes and structural barriers that deter girls from enrolling in non-traditional fields of study and career paths and increase the participation of women and girls in sports. Nevertheless, the Committee is concerned about the following:

(a) The lack of data on primary and secondary school dropout rates among girls, in particular due to pregnancy or sexual harassment in school, and the lack of re-entry policies enabling pregnant women and girls, as well as young mothers, to return to school;

(b) The low enrolment rates among women and girls in higher education and technical and vocational education, as well as the persistent underrepresentation of women and girls in non-traditional fields of study and career paths, such as science, technology, engineering and mathematics;

(c) The inaccessibility of higher education, in particular for women and girls, due to alleged corruption among higher education officials who charge illegal admission fees in order for students to enrol, despite the fact that higher education is free of charge in the State party;

(d) The barriers faced by women and girls who seek to pursue higher education abroad, including reports of travel bans arbitrarily imposed on single women and girls and restrictions on the recognition of diplomas obtained from foreign universities;

(e) The non-inclusion of comprehensive education on sexual and reproductive health and rights in school curricula, in particular with regard to gender-based violence, including sexual violence;

(f) The lack of information on sexual harassment and abuse of women and girls in educational institutions, in particular in male-dominated disciplines.

33. **In the light of its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:**

(a) **Collect sex-disaggregated data on school dropout rates, keep girls in school and adopt re-entry policies for girls who have dropped out of school, in particular for pregnant women and girls and young mothers following childbirth, as well as for victims of sexual harassment;**

(b) **Ensure equal access for women and girls to vocational and higher education, including in non-traditional fields of study, by providing scholarships and career counselling, introducing incentives and schemes to attract and retain women and girls, raising awareness among teaching personnel on the importance of girls completing higher education and adopting further temporary special measures for disadvantaged or marginalized women and girls;**

(c) **Combat corruption in the higher education system, including by explicitly prohibiting the practice of charging illegal admission fees, investigating all reported cases and adequately punishing perpetrators;**

(d) **Remove all barriers faced by women with regard to pursuing higher education abroad, including restrictions on their right to freedom of movement, and ensure that women receive official recognition of higher education degrees**

and certificates obtained abroad and have access to employment opportunities upon their return;

(e) **Integrate age-appropriate mandatory education on sexual and reproductive health and rights, responsible sexual behaviour and the prevention of early pregnancy, sexually transmitted infections and gender-based violence, including sexual violence, into curricula at all levels of education;**

(f) **Ensure that all women and girls, in particular those in male-dominated fields of study, are protected from sexual harassment and violence.**

Employment

34. The Committee welcomes the adoption of legislation guaranteeing equal pay for work of equal value, as well as access to social security and other social protection measures for women working in the informal sector. Nevertheless, the Committee is concerned about the following:

(a) The fact that recent education reforms, which have increased literacy rates and secondary school completion rates, have not translated into equal professional and economic opportunities for women and men;

(b) The persistent horizontal and vertical occupational segregation, the low participation of women in the formal labour market and the high concentration of women in low-paid and unskilled jobs, in particular in the agricultural sector;

(c) The list of professions considered dangerous and unsuitable for women and the consistent position of the State party that such distinctions are not discriminatory under the current legislation;

(d) The persistent gender pay gap and the denial of its gravity by the State party;

(e) The insufficient measures taken to promote the concept of shared family responsibilities and to address the difficulties that women face in reconciling work and family responsibilities;

(f) Reports of government authorities prohibiting women from traveling abroad to seek employment opportunities and coercing women of Turkmen nationality living abroad as migrant workers to return to the State party, including through the intimidation of family members and threats of punitive measures in case they do not return.

35. **The Committee recommends that the State party:**

(a) **Undertake a study to assess the impact of education reforms on eliminating occupational segregation and achieving the substantive equality of women and men in the labour market, with a view to identifying the specific and fundamental factors preventing women from taking full advantage of the free education system to acquire the necessary skills, from choosing non-traditional career paths and from gaining access to formal employment, including in higher-paying, male-dominated sectors;**

(b) **Adopt and implement targeted, time-bound measures, including temporary special measures, to create more opportunities for women to enter the formal labour market, such as bridge programmes for secondary schools and technical and vocational schools, strengthened technical and vocational training for women and incentives for public- and private-sector employers in traditionally male fields to recruit women;**

(c) Amend its laws and policies that discriminate against women in certain professions, including by amending the Labour Code to ensure that any restrictions are limited to the period of maternity and not applied to women in general;

(d) Effectively implement the principle of equal pay for work of equal value by regularly reviewing wages in sectors in which women are concentrated and adopting measures to close the gender pay gap, including through gender-neutral analytical job classification and evaluation methods and regular pay surveys;

(e) Introduce paid and compulsory paternity leave or shared parental leave following childbirth and flexible working arrangements for both women and men, provide more and improved public childcare facilities and raise awareness about equal sharing of family and domestic responsibilities between women and men;

(f) Ensure the right of women to move abroad for employment and discontinue the harassment, intimidation or detention of women working abroad and/or their families.

Sexual harassment in the workplace

36. The Committee takes note of the information provided by the State party about the absence of complaints made by women on sexual harassment in the workplace and is concerned about the absence of legislation specifically criminalizing sexual harassment in the workplace and the general lack of understanding of the criminal nature and harmful effects of sexual harassment in the workplace.

37. **The Committee recommends that the State party adopt legislation to specifically define and criminalize sexual harassment in the workplace, with adequate penalties for perpetrators and the provision of redress to victims of sexual harassment. It also recommends that the State party develop a confidential, independent and safe system for filing complaints relating to sexual harassment and sex-based discrimination in the workplace and ensure that victims have access to protection and remedies.**

Health

38. The Committee welcomes the measures taken by the State party to improve access for women to free health-care and family planning services. Nevertheless, it remains concerned about the following:

(a) The persistence of obstacles faced by women, in particular rural women, in gaining access to health services, including the fact that health-care facilities are concentrated in urban areas and that health-care providers allegedly demand illegal fees from women for free-of-charge services;

(b) The criminalization of all abortions performed outside of hospitals and/or without the authorization of a medical doctor and the fact that parental consent is required for girls under 18 years of age to obtain an abortion;

(c) The prohibition of home births attended by an obstetrician or a midwife;

(d) The limited access to sexual and reproductive health services, including contraceptives, in particular for rural women and girls, the prohibition of such services outside of hospitals and the fact that parental consent is required for adolescents to seek such services.

39. **Recalling its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Improve the coverage and accessibility of free health services throughout the State party, in particular for rural women, including by deploying mobile health units in rural areas and strictly imposing sanctions on health-care providers who charge illegal fees for free-of-charge health services;**

(b) **Legalize abortion, not only in cases of threat to the life or health of the pregnant woman and severe fetal impairment, but also in cases of rape and incest, decriminalize abortion in all other cases and increase access for women to safe abortions and post-abortion care;**

(c) **Legalize home births and establish professional midwifery training programmes and a national midwives scheme, to ensure that all births, especially in rural areas, are attended by skilled health personnel;**

(d) **Guarantee access for women and girls to non-judgmental and accessible sexual and reproductive health information and services, affordable modern contraceptives and emergency contraception, in particular for rural women and adolescent girls, including by authorizing sexual and reproductive health services outside of hospitals, especially in cases where no medical procedure is required, and by removing the requirement of parental consent for access to contraceptives and reproductive and sexual health services for adolescent girls.**

Women living with HIV/AIDS

40. The Committee is concerned about the persistent lack of disaggregated data on the prevalence of HIV/AIDS in the State party and the lack of recognition by the State party of the need to eliminate discrimination against women and girls living with HIV/AIDS. It is also concerned about the reluctance or even refusal of doctors to diagnose and treat HIV/AIDS, the lack of free antiretroviral treatment for women and girls living with HIV/AIDS and the discrimination and stigmatization they face.

41. **The Committee calls upon the State party to collect data on the prevalence of HIV/AIDS in the State party, disaggregated by sex and other relevant factors; provide training to medical and health professionals on non-discriminatory and scientifically appropriate treatment of women and girls living with HIV/AIDS; and implement strategies, in particular preventive strategies, to combat the spread of HIV. It also recommends that the State party provide free antiretroviral treatment to all women and girls living with HIV/AIDS, paying particular attention to women in prostitution and pregnant women, and that it take measures to combat discrimination and stigmatization faced by them.**

Economic and social benefits

42. The Committee commends the State party on its national programme to expand and modernize its social and economic infrastructure and its policy measures to support women in vulnerable situations, such as increases in social protection benefits for single mothers and the adoption of an action plan on ensuring the full realization of the rights of persons with disabilities to work and employment for the period 2017–2020. Nevertheless, the Committee is concerned that the implementation of those benefits is not sufficiently monitored, pension schemes do not seem to adequately take into account the unpaid care work of women and measures to ensure the economic empowerment of women, in particular rural women, are limited. It is further concerned about discrimination against women in gaining access to land ownership and registration, reports of related corruption among government officials and the fact

that women have been deprived of their homes, with very short notice and inadequate or no compensation, as a result of urban housing renewal and reconstruction programmes in Ashgabat and other urban areas, owing to their inability to obtain proper housing registration documents in order to seek compensation.

43. **The Committee recommends that the State party:**

(a) **Establish a mechanism to effectively and systematically track the distribution of economic and social benefits and identify all women who qualify for assistance;**

(b) **Conduct gender impact assessments of social benefits and pension schemes, taking into account the unpaid care work of women, with the aim of correcting any gaps in social and pension benefits for women;**

(c) **Empower women, in particular rural women, to engage in income-generating activities and to start their own businesses, by providing them with financial services, microcredit at low interest rates and social security benefits;**

(d) **Ensure fair and non-discriminatory compensation for women who have been deprived of their houses under the urban housing renewal and reconstruction programme, eliminate discrimination against women in property registration and combat corruption in such procedures;**

(e) **Develop a gender-sensitive housing benefit scheme for homeless women, with a clear set of criteria for identifying beneficiaries.**

Rural women

44. The Committee commends the State party on its efforts to improve access for rural women to basic services and social benefits but is concerned that education, employment opportunities and health-care services remain concentrated in urban areas, which puts rural women in a disadvantaged position. It is also concerned about the lack of statistical data on the situation of rural women, including with regard to access to basic services and income-generating opportunities and with regard to participation in decision-making processes at all levels of society.

45. **Recalling its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Continue to expand access for rural women to water, infrastructure, housing, education, employment, health care and economic and social benefits;**

(b) **Ensure the full participation of rural women in decision-making, including on rural development programmes and policies;**

(c) **Collect data on the situation of rural women, disaggregated by sex, age, geographical location, disability, socioeconomic or other status and whether they belong to a minority group, with a view to informing and designing measures, including temporary special measures, aimed at achieving substantive equality for rural women in all spheres of life.**

Women belonging to ethnic minority groups

46. The Committee is concerned about discrimination and hate speech against non-Turkmen women, who are also barred from working in the public sector, as well as discrimination against women belonging to ethnic minority groups, including those with Turkmen nationality and those with non-Turkmen surnames.

47. **The Committee recommends that the State party combat all forms of discrimination against women and girls belonging to national and ethnic**

minority groups and ensure their equal access to justice, education, employment and health and social services.

Refugee, asylum-seeking and stateless women and girls

48. The Committee welcomes the adoption of legislation on refugee status and the right of children born to parents who are stateless or whose nationality is unknown to acquire Turkmen nationality. It is concerned, however, about the lack of information on the number of stateless persons in the State party, the lack of a statelessness determination procedure and the reportedly protracted procedures for determining nationality and refugee status, which prevents the women and girls concerned from gaining access to education, employment, health care and other basic services and puts their children at risk of statelessness.

49. **In accordance with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:**

(a) **Publish updated statistical information on the number of stateless persons in the State party;**

(b) **Establish statelessness determination procedures in conformity with international standards and simplify its procedures for determining nationality and refugee status;**

(c) **Ensure access for all refugee women and girls to basic services and intensify its efforts to ensure that all children born on its territory are registered at birth and provided with access to basic services.**

Marriage and family relations

50. The Committee notes that equal rights of women and men within marriage and family relations are guaranteed in national legislation, including the Family Code and the State Guarantees for Ensuring Equal Rights and Equal Opportunities for Men and Women Act. Nevertheless, it is concerned about the following:

(a) The limited measures to enforce the prohibition of polygamy and the lack of data on its prevalence in the State party;

(b) The lack of legislative measures to protect the economic rights, including with regard to property, of women in polygamous or de facto unions and upon their dissolution or the death of their spouse or partner;

(c) Reports of administrative barriers, discrimination and intimidation, including through travel bans, faced by women who wish to marry foreign spouses, in particular women living abroad in countries with no embassy or consular presence of the State party;

(d) The disproportionate effect of stigma associated with divorce on women, who are often blamed for the dissolution of the marriage.

51. **The Committee, recalling its general recommendation No. 21 (1994) on equality in marriage and family relations and general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, recommends that the State party:**

(a) **Undertake a study on the prevalence of polygamy in the State party, with a view to addressing its root causes and implementing measures to enforce its prohibition, and provide legal protection and support to women already in polygamous marriages and women who have been abandoned by their husbands to avoid prosecution for polygamy;**

(b) Ensure the protection of the economic rights of women in polygamous or de facto unions and recognize their rights to land and property accumulated during such unions, including through a revision of the Family Code to extend existing legal provisions to all women in de facto unions;

(c) Ensure the right of all women to freely choose their spouse, including a spouse of foreign nationality, by removing all administrative barriers to registering their marriage and ensuring their protection from discrimination and intimidation;

(d) Conduct awareness-raising campaigns on the rights of women with regard to family relations and marriage and on the importance of eliminating stigma associated with the dissolution of marriage.

Data collection and analysis

52. The Committee takes note of the development of an indicator system to improve data collection and coordination among the national statistical agencies, in particular in the context of measures to implement the 2030 Agenda. It regrets, however, that the data disaggregated by sex remain insufficient to enable the proper monitoring of all areas covered by the Convention. It is also concerned that the results of the 2012 census have not yet been published.

53. **The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, and use measurable indicators to assess progress achieved towards the realization by women of substantive equality in all areas covered by the Convention and trends in the situation of women, in particular gender-based violence against women, child and/or forced marriage, polygamy, education, employment and trafficking. It also recommends that the State party publish, without delay, the results of the 2012 census.**

Amendment to article 20 (1) of the Convention

54. **The Committee encourages the State party accept the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

55. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

Dissemination

56. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Mejlis and the judiciary, to enable their full implementation.**

Technical assistance

57. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties

58. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.**

Follow-up to concluding observations

59. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 23 (a) and (c), 29 (a) and 35 (a) above.**

Preparation of the next report

60. **The Committee requests the State party to submit its sixth periodic report, which is due in July 2022. The report should be submitted on time and cover the entire period up to the time of its submission.**

61. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.